



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline

Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA060008

Petitioner, Linda Dean applied to the Building Commissioner for permission to divide an existing dwelling unit into two separate dwelling units creating a total of 4 units at 18 Dean Road. The total square footage will remain under the permitted FAR. The application was denied and an appeal was taken to the Board of Appeals.

On February 16, 2006 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed March 16, at 7:30 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, their attorney (if any of record), to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published March 2, 2006 and March 9, 2006, in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **DEAN LINDA C**

Location of Premises: **18 DEAN ROAD BRKL**

Date of Hearing: **03/16/2006**

Time of Hearing: **07:30 p.m.**

Place of Hearing: **Selectmen's Conference Room, 6th. Floor**

A public hearing will be held for a variance and/or a special permit from:

- 1) **5.05; Conversions; Special permit Required**
- 2) **5.20; Floor Area Ratio; Variance Required**
- 3) **5.91; minimum Usable Open Space; Variance Required**
- 4) **For the Design of Off Street Parking Facilities:**
 - 6.04.3; Special Permit Required**
 - 6.04.5.b; Variance Required**
 - 6.04.9.b; Variance Required**
 - 6.04.12; Special Permit Required**
- 5) **8.02.2: Alteration or Extension; Special Permit Required.**

Of the Zoning By-Law to separate Unit#1 into two residential units thereby converting the premises from three units to four units total

at 18 DEAN ROAD BRKL

Said Premise located in a

M-1.5 district.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, a public hearing was held by this Board. Present at the hearing were Board members Diane Gordon, Chair, Larry Kaplan and Sarah Sheldon.

Ms Dean and her architect Ms. Lynn Osborne presented the petitioners' case. They explained that the petitioners were requesting zoning relief on the basis that this was a conversion of a very large unit into two units of significant size. Although the denial letter cites Floor Area Ratio the floor plans have since been redesigned to comply with this regulation. Most of the floor space proposed to be converted is already included in the Floor Area Ratio of the existing unit. The proposal includes no exterior changes to the building. The parking at the rear of the building meets the requirement to accommodate eight (8) vehicles however they are requesting relief to allow these spaces to remain as tandem spaces. Ms Dean noted that she had spoken with her neighbors and no-one had objected to the proposal.

The Board asked the audience if anyone wished to speak for or against the appeal. Stanley Rabinovitz, Town Meeting Member Precinct 9, spoke in favor of the proposal.

The Chair then called upon Tim Greenhill of the Brookline Planning Department to present the Planning Board report. Mr. Greenhill stated that the Planning Board had no objection to the request as the proposal did not exceed the permitted FAR, will be contained in the existing footprint and will present no external changes to the building. The Planning Board recommends approval of the requested zoning relief with the following conditions: (1) Prior to obtaining a building permit the applicant shall submit a drainage plan for the rear parking area to the Building Commissioner for review and approval, if he finds one necessary. (2) Prior to obtaining a building permit, the applicant shall submit a final site plan, stamped and signed by a registered

architect or land surveyor to the Chief Planner for review and approval for conformance to the Board of Appeals decision.

Frank Hitchcock, Senior Building Inspector, spoke on behalf of the Building Commissioner. He restated the sections of the Zoning By-Law under which relief is needed and stated that all requested relief could be granted by Special Permit. Mr. Hitchcock stated that the Building Department has no objections to the requested relief or the conditions recommended by the Planning Board.

The Board, having deliberated on this matter and having considered the foregoing testimony, voted unanimously to accept plans dated 1/9/06 prepared by West Hill Architects and grant the special permits under Sections 5.05, 6.04.3, 6.04.12 and 8.02.2 to allow for the proposed conversion, with the following conditions:


1. Prior to obtaining a building permit the applicant shall submit a drainage plan for the rear parking area to the Building Commissioner for review and approval, if he finds one necessary.
2. Prior to obtaining a building permit, the applicant shall submit a final site plan, stamped and signed by a registered architect or land surveyor to the Chief Planner for review and approval for conformance to the Board of Appeals decision.

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20 MAR 24 4 11:10 PM '06
Unanimous Decision of
the Board of Appeals

Date of Filing: March 24, 2006

A True Copy:

ATTEST:



Patrick J. Ward
Board of Appeals



Diane Gordon, Chair

Twenty days have elapsed and no appeal has been filed.

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A True Copy:

ATTEST:



Patrick J. Ward, Town Clerk

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